



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

AUG 06 2015

Mr. Michael Mallon
Vice President & General Manager
Amcor-Stevens Flexible Packaging, Inc.
747 Bowman Avenue
Hagerstown, MD 21740

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Amcor-Stevens Flexible Packaging, Inc.

Information Request - Reference No. C15-022
EPA ID No. MDD054906201

Dear Mr. Mallon:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of Amcor-Stevens Flexible Packaging, Inc. ("Amcor" or "the Facility") located in Hagerstown, MD on March 25, 2015. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents

maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. During the March 25, 2015 EPA CEI, several processes generating spent solvent-related waste streams that are directed to Tank C (or "Slop Tank") were described to the inspector: a) Containers of ink and solvent washout from ink sumps on the W & H printing machine, b) W & H printing machine batch solvent cleanouts that are directed through a day tank, c) Containers of ink and solvent washout from the ink sumps on the F & K printing machine, d) F & K printing machine batch solvent cleanouts that are collected in two tanks prior to being directed to Tank C, and e) Container in the Ink Room of spent ink and solvent with a metal pipe inserted into an open bung. Please provide the following information regarding each of these five solvent-related waste streams at the time of the inspection:
 - a. A detailed schematic of the solvent handling systems associated with each of the above streams, including sources of solvent waste, equipment, piping, transfer mechanisms, and all tanks and containers involved in temporary or final collection/management of the waste stream.
 - b. A detailed description of all equipment included in each of the solvent handling systems, including all pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges or other connectors, closed-vent systems and control devices, as these terms may be defined in 40 C.F.R. § 264.1031.
 - c. State whether or not the Facility had conducted an analysis to determine applicability of the Subpart BB regulations to this equipment, as described in 40 C.F.R. § 265.1063(d) and § 265.13(b) at any time before the day of inspection.

- d. If an applicability determination, as described in 40 C.F.R. § 265.1063(d) and § 265.13(b), had been made for this equipment at any time before the date of the inspection, state when such a determination(s) was made and the results of such determination(s). Please provide a copy of any and all documentation used to support such determination.
- e. A detailed list of any and all types and amounts of spent solvent entering the solvent-related handling systems up to the present time. Please include all EPA Hazardous Waste Code(s) (if applicable) and copies of all Materials Safety Data Sheets ("MSDS") and/or Safety Data Sheets ("SDS") sheets relating to solvents used.
- f. Please state, for any and all waste solvent generated at the Facility up to the present time, whether or not any was reclaimed, recycled or reused after such generation. Provide a copy of any and all documentation substantiating such claims of reclamation, recycling, or reuse.
- g. Provide information/documentation that demonstrates whether or not those pieces of equipment listed in response to question 1b above **are** or **are not** exempt from the air emission standards for equipment leaks as specified in 40 C.F.R. § 265.1050.
- h. If the Facility has determined that any piece of equipment **is** exempt, please provide the waste analysis plan, as specified in 40 C.F.R. § 265.1063(d), along with either the sample results or process knowledge documentation upon which the exemption is based.
- i. Please state whether or not each piece of equipment has been marked in such a manner that it can be distinguished readily from other pieces of equipment in accordance with 40 C.F.R. § 265.1050(c), regardless of whether the Facility is claiming an exemption for any piece of such equipment.
- j. Please state whether or not any or all of the equipment is "*in light liquid service*" or "*in heavy liquid service*," as defined in 40 C.F.R. § 264.1031. If so, please specify which pieces of equipment are in light liquid service or in heavy liquid service.
- k. Please state whether or not each piece of equipment has been inspected and monitored under a leak detection and repair ("LDAR") program for the time period of January, 2011 up to receipt of this letter.
- l. Please identify each piece of equipment which has been inspected and monitored under an LDAR program, and provide the time period for which each such piece of equipment has been part of an LDAR program.
- m. Please submit the Facility's inspection and monitoring schedule for each piece of equipment covered by an LDAR program detailing how often each piece of

equipment is visually inspected and/or monitored with an instrument.

- n. Please submit any and all LDAR program inspection and monitoring records/documentation for each piece of equipment for the time period of January, 2011 up to receipt of this letter.
 - o. Has the Facility maintained those records required under 40 C.F.R. §§ 265.1064(b)(1), 265.1064(g) and 265.1064(h)? If so, please state the date on which the Facility began maintaining such records and submit copies of any and all records required under 40 C.F.R. §§ 265.1064(b)(1), 265.1064(g) and 265.1064(h) for the time period of January, 2011 up to receipt of this letter.
 - p. Do any other processes generate solvent-related waste at the Facility? If so, please describe these processes and answer questions 1.a.-o. above for each process.
2. During the March 25, 2015 EPA CEI, the EPA inspector observed the following tanks used to manage spent solvent: Tank C located outside (Please refer to Photograph #27 - #31 included as Attachment A); The “day” in the W & H Room (Photo #7); and two solvent collection tanks located under the F & K machine (Photo #16 & Photo #18). Regarding each of the tanks, please answer the following:
- a. Identify by name and EPA Hazardous Waste Code(s) (if applicable) all solvent-related wastes that may be stored in the tanks, and provide copies of any documentation such as waste profiles, testing, and/or any analytical sampling results for the spent solvent.
 - b. State the capacity (m³) of each tank.
 - c. State whether a “waste determination” for the volatile organic concentration of each solvent waste stream at its point of waste origination has been made in accordance with 40 C.F.R. § 265.1084.
 - d. If a determination for the volatile organic concentration of each solvent waste stream has been made in accordance with 40 C.F.R. § 265.1084 at its point of waste origination, please state when each such determination was made and whether the organic concentration determination was based on analytical results or on the generator’s knowledge of the waste or the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If any such determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.
 - e. Please state the volatile organic concentration for each solvent waste stream at its point of waste origination
 - f. At the time of the inspection, had the Facility implemented emission controls in accordance with 40 C.F.R. § 265.1083 for each of these tanks? If so please

describe in detail what controls have been implemented for each tank and container, and the date the control(s) was implemented. If the Facility had not implemented controls for any such tank or container, please state why.

- g. Has the Facility maintained those records required under 40 C.F.R. § 265.1090 for each of these tanks and containers? If so, please state the date on which the Facility began maintaining such records and submit copies of any and all records required under 40 C.F.R. § 265.1090 for the time period of January, 2011 up to receipt of this letter.
- h. Indicate the exact date when Amcor first installed each tank, and the exact date when Amcor first began using each tank for the accumulation of hazardous waste. If an exact date(s) cannot be determined, please estimate the approximate month and year.
- i. Provide a detailed narrative that explains how each tank and its ancillary equipment (e.g. piping, sumps, piping manifolds, etc.) were installed and constructed. Submit any and all supporting documentation such as “as-built” drawings, contractor proposals, contractor invoices, etc.
- j. Provide a detailed narrative and flow diagram that explains how waste is accumulated into each tank and its ancillary equipment (e.g. piping, sumps, piping manifolds, etc.).
- k. If it is an “existing tank system” as defined in 40 C.F.R. § 260.10, has the Facility conducted an assessment of the integrity for each tank as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.
- l. If it is a “new tank system” as defined in 40 C.F.R. § 260.10, has the Facility certified the design for each tank as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.
- m. Please state whether or not the Facility has provided methods for secondary containment and release detection for each tank in accordance with 40 C.F.R. § 265.193. If it has, please state the date(s) these methods were first provided and a detailed description of each method.
- n. State whether or not the Facility conducts inspections of each tank. If inspections are conducted, please indicate:
 - i. How often inspections are conducted; and
 - ii. Provide inspection records for each tank from January, 2011 to the date you receive this letter.

3. Daily inspection records for Tank C were reviewed during the EPA CEI. Missing daily inspection records were noted on the following dates: 1-10-15, 1-17-15, 2-7-15, and 2-14-15. With respect to Tank C, please answer the following:
 - a. Did the Facility conduct a daily inspection of Tank C on the following dates: 1-10-15, 1-17-15, 2-7-15, and 2-14-15?
 - i. If you answered “yes” to Question 4.a., provide copies of the daily inspection records on 1-10-15, 1-17-15, 2-7-15, and 2-14-15.
 - ii. If you answered “no” to Question 4.a., explain why no daily inspection was conducted on Tank C on 1-10-15, 1-17-15, 2-7-15, and 2-14-15.
4. During the March 25, 2015 EPA CEI, the EPA inspector reviewed copies of the Facility’s weekly inspection records for its 90-Day area. The weekly inspection record dated “3/10/13” specified the following: “Please indicate longest accumulated waste by date.” The date indicated on this section of the weekly inspection record was “12-5-12.” Also noted at the bottom of the inspection record was the following: “Need outdated hazardous waste drum removed.” Please provide the following information regarding the “outdated hazardous waste drum” noted on the weekly inspection record:
 - a. Provide a detailed description of the process or processes that generated the content of the container.
 - b. Provide the date on which the content of the container was first generated into the container and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.
 - c. Indicate how long (i.e., days, weeks, months) it took to fill the container. If an exact amount of time cannot be determined, please estimate on average, how long it takes to fill the container and explain the basis for such estimate.
 - d. State the exact date on which the container became full. If an exact date cannot be determined, please estimate the approximate month and year.
 - e. Please state whether or not a “waste determination” and “LDR determination” were made for the content of the container.
 - f. If a “waste determination” was made for the content of the container, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

- g. Was the content in the container determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with the content of the container that was determined to be hazardous waste.
 - h. If the content of the container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such waste.
5. During the March 25, 2015 EPA CEI, the EPA inspector observed a flammable storage cabinet near the Tank Farm, which contained aerosol can products. Please refer to Photograph #32 & #33, included with this request for information as Attachment A. At the time of the inspection, Facility personnel indicated that when spent, the aerosol cans are disposed of in the regular trash.
- a. Please provide a detailed description of the process or processes which utilize aerosol can products at the Facility.
 - b. Please provide a detailed narrative explaining how the Facility manages its spent aerosol can waste stream from the time it is generated until it is shipped off-site for disposal.
 - c. Submit the SDSs and/or MSDSs for each of the aerosol can product(s) used by the Facility.
 - d. Does the Facility maintain a designated accumulation receptacle for spent aerosol cans that are generated throughout the Facility? If so, please (i) state when this designated receptacle for spent aerosol cans was first put into service, (ii) submit photographs of such receptacle, and (iii) clearly identify the location of such receptacle at the Facility via a site map.
 - e. Please state whether a “waste determination” and “LDR determination” have been made for each spent aerosol can generated throughout the Facility.
 - f. If a “waste determination” and “LDR determination” have been made for the Facility’s spent aerosol can waste stream, state when such determinations were made.
 - g. Were any of the Facility’s spent aerosol cans determined to be hazardous waste? If so, please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste.
 - h. If a “waste determination” was made, state whether the determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.

- i. If the Facility's spent aerosol can waste stream has been disposed of in the regular trash, please provide the name, address, and phone number of the municipal landfill that has been receiving the Facility's used aerosol can waste stream.
- j. If the Facility's spent aerosol can waste stream has been shipped off-site to a RCRA permitted treatment, storage and/or disposal ("TSD") facility, provide copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the spent aerosol cans from January, 2011 to the present.

A copy of the March 25, 2015 CEI report documenting the findings of the inspector is enclosed as Attachment A for your information, and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed as Attachment B, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your Facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your Facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your Facility is covered by SBREFA.

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your Facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send your response to:

Andrew Ma
US EPA Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

If you have any questions concerning this matter, please contact Mr. Andrew Ma at (410) 305-3429.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: A. Ma (3LC70) w/o